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Testimony in support of SB 884

Presented by:

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Madame Chair and members of the Committee, I am Elmer Cerano and I am the Executive Director of Michigan Protection & Advocacy Service Inc.(MPAS). MPAS is a private, non-profit, independent statewide agency that was created in federal law in 1976 and is designated by the Governor to protect and advocate the legal rights of people with disabilities.

We became involved with conditions in Nursing homes because of the number of people in nursing homes who have disabilities.

MPAS is the organization that broke the stories of abuse and neglect of nursing home residents that was featured extensively in The Detroit Free Press.

I want to thank this Committee for your willingness to address this issue and I want to specifically commend Senator Hansen for his willingness to listen to our concerns and to give voice to the thousands of nursing home residents and their families in Michigan.

The Bill before you has been changed significantly since its original draft. Senator Hansen and Peter Wills have worked diligently in adding language that addressed many of our concerns.

MPAS, using the Survey Reports conducted by LARA, issued a report on Nursing Home abuses. The Detroit Free Press did a three day series of front page headlines detailing some of the deplorable incidence of abuse and neglect.

Over the past several years, MPAS has been monitoring the LARA reports. When two cases of maggot infestation were reported by LARA and reviewed by MPAS staff, we simply could no longer accept a "we're working on correcting the problems" approach. Our job at MPAS and the role of the state licensing agency is not to simply report the conditions; it is to stop the abuses.

MPAS fully recognizes that many people are placed in nursing homes to receive quality end of life care ---and many do receive that level of quality care. We also understand that people die in nursing homes and we are also aware that accidents can and do happen. These are not the situation to which we are referring.

We are concerned about blatant, patterns of absolutely unacceptable pattern of abuse and neglect. Pattern that must be stopped.

SB 884 does not correct all of the problems and it does not eliminate abuse or neglect in Michigan's Nursing Homes.

It does however, start the process of changing a culture in Michigan that has historically tolerated the systematic abuse and neglect of vulnerable people who are in desperate need of quality nursing care.

MPAS is not out to close nursing homes, however, we are dead set on stopping the abuse and neglect.

Here are some facts:

- The Baby Boom generation will end around 2036 (24 years from now).
- The fastest growing segment of the US population is 80 year old single women
- People who will live to be 150 years old are currently alive.
- Care for the elderly and people with disabilities are a booming business and will stay that way for a long time.

Alternatives to nursing homes must be supported. Aging at home options must be made more available through initiatives like the MiChoice Waiver.

MPAS supports SB 884 with the following understanding.

1. It's an excellent start in addressing the problems of abuse and neglect in Nursing Homes in Michigan. But we recognize it is only a start.
2. There needs to be broader availability of quality nursing care in environments other than nursing homes. IE: Expand the MiChoice Waiver.
3. LARA Surveyors must accurately reflect the egregiousness of the circumstances they are investigating.
4. There needs to be rigorous enforcement of existing sanctions - up to and including denial of a license for nursing homes that exhibit patterns of abuse or neglect.
5. There needs to be an honest effort to continue to move forward in stopping the abuse and neglect by:
 - a. Allowing MPAS or the Residents/Families to file for Receivership of facilities that have patterns of abuse and neglect.
 - b. Increase the average number of direct nursing hours to not less than 4.5 hours per day per resident.

Thanks you for your time and thoughtful consideration of SB 884.